THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.1342 of 2007

Between:

Tulasi Raghava and another.

.. PETITIONER

and

The Additional Agent to the Government,
and others.

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RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioners and the learned

counsel for the respondents.

It is the case of the 1st petitioner that his father purchased the land to an extent of Ac.7-04 cents in Sy.No.206/2 of Molleru village, Gangavaram Mandal, East Godavari District, under the Agreement of Sale in the year 1969 and subsequently it was registered on 21-11-1974. After the death of his father, the 1st petitioner by succession became the owner of the said property and he is in continuous possession and enjoyment of the said land. The 2nd petitioner is his farm servant.

While so, the 4th respondent filed L.T.R.P.No.136 of 2004 before the 2nd respondent under Section 3(1) of A.P.Scheduled Areas Land Transfer Regulation 1/59 as amended by 1/70 for restoration of the land to the Government after ejecting the petitioners. The 2nd respondent through order, dated 30-11-2004, dismissed the case holding that the possession of the petitioners, pursuant to the Agreement of Sale executed in the year 1969, is not in violation of Section 3(1)(a) of Regulation 1/70.

Aggrieved by the same, the 4th respondent filed C.M.A.No.72 of 2005 under Rule 8(1) of A.P.Scheduled Area Land Transfer Rules, 1969, before the 1st respondent. The 1st respondent through impugned order, dated 06-01-2007, while allowing the appeal setting aside the order passed by the 2nd respondent in L.T.R.P.No.136 of 2004, dated 30-11-2004, directed ejection of the petitioners from the land in question.

Aggrieved by the same, the petitioners filed revision under Section 6 of A.P.Scheduled Areas Land Transfer Regulations, 1959, before the 5th respondent on 12-01-2007 and the same is pending.

As the revision is pending before the 5th respondent, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to protect possession of the petitioners, pending

disposal of the revision.

The writ petition is, accordingly, disposed of directing the 5th respondent to consider and dispose of the revision, as expeditiously as possible, after giving reasonable opportunity to all the concerned. Pending revision, the petitioners shall not be evicted from the land in question. There shall be no order as to costs.

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25-01-2007

Note:
C.C. in two days
(B/o)
Prv